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REDACTED

Attorneys for Defendant TikTok, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL GRECCO
PRODUCTIONS INC.,

Plaintiff,

v.

TIKTOK, INC.,

Defendant.

Case No. 2:24-CV-04837-FLA-MAR

**DECLARATION OF JEMILI
BOUTROS IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT OR
PARTIAL SUMMARY JUDGMENT**

Hon. Fernando L. Aenlle-Rocha

Date: September 26, 2025

Time: 1:30pm

Courtroom: 6B

Filed concurrently with:

(1) Notice of Motion and Motion;

(2) Memorandum of Points and
Authorities;

(3) Defendant's Statement of
Uncontroverted Facts;

(4) Declaration of J. Michael Keyes; and

(5) [Proposed] Order

1 I, Jemili Boutros, declare under penalty of perjury under the laws of the United
2 States and the State of California, as follows:

3 1. I submit this declaration in support of Defendant TikTok, Inc.'s
4 ("Defendant" or "TTI") Motion for Summary Judgment or Partial Summary
5 Judgment. I have personal knowledge of the facts set forth in this declaration and, if
6 called as a witness, could and would competently testify thereto.

7 2. I am a Senior Intellectual Property Specialist for TikTok U.S. Data
8 Security, a subsidiary of TTI. As part of my responsibilities and experience, I am
9 familiar with the TikTok platform and TTI's copyright policies and procedures.

10 3. TTI provides the TikTok platform in the United States. TikTok is an
11 online entertainment platform that allows users to create, share, and engage with
12 content posted by other users. TikTok's mission is to inspire creativity and bring joy
13 to its users. The platform is designed to provide a creative and entertaining forum for
14 users to express themselves and make connections with other content creators and
15 users.

16 4. TikTok users engage with the platform by creating and sharing videos
17 or watching and interacting with videos posted by others. [REDACTED]

18 [REDACTED]
19 These videos relate to a wide variety of topics including politics, educational content,
20 news, family, comedy, and users' jobs and hobbies.

21 5. TikTok users agree to Terms of Service that govern their use of the
22 platform. Attached hereto as **Exhibit 1** is a true and correct copy of TikTok's Terms
23 of Service. The Terms of Service are publicly available online at the URL shown in
24 the exhibit.

25 6. Use of the TikTok platform is also subject to an Intellectual Property
26 Policy, which includes a Copyright Policy and a Trademark Policy. Attached hereto
27 as **Exhibit 2** is a true and correct copy of the Intellectual Property Policy. The
28 Intellectual Property Policy is also publicly available online at the URL shown in the

1 exhibit.

2 7. I understand that Plaintiff Michael Grecco Productions (“Plaintiff” or
3 “MGP”) alleges that twenty-five TikTok users have infringed Plaintiff’s copyrights
4 by posting content to the TikTok platform that includes or incorporates photographs
5 owned by Plaintiff. TTI itself did not create or post any of the allegedly infringing
6 content. I understand that there are twenty-two photographs at issue in this case,
7 which I will refer to as the “Asserted Works.”

8 8. TTI takes intellectual property and infringement allegations seriously.
9 As set forth in the Copyright Policy, TTI has established policies and procedures for
10 addressing allegations of infringement. [REDACTED]

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 9. TTI publishes an “Intellectual Property Removal Report” on
15 approximately an annual basis. The Intellectual Property Removal Report is prepared
16 using records kept in the regular course of business and reports, among other things,
17 the total number of copyright removal requests that TTI received in a six-month
18 period and the number of reports that resulted in the removal of the reported content
19 in that same period. I help draft the annual Intellectual Property Removal Reports.

20 10. Attached hereto as **Exhibit 3** is a true and correct copy of an Intellectual
21 Property Removal Report published on June 26, 2025, which is publicly available at
22 the URL shown in the exhibit. As shown in this exhibit, in 2023 TTI received
23 462,119 copyright removal requests, 266,321 of which (approximately 58%) resulted
24 in removal of content. Similarly, in 2024 TTI received 546,651 copyright removal
25 requests, 368,296 of which (approximately 67%) resulting in removal of content.

26 11. [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 12. Each of the alleged acts of infringement identified by Plaintiff are
6 profile pictures or videos created and posted by TikTok users to TikTok. I understand
7 that TTI's legal counsel determined that each alleged act of infringement constitutes
8 fair use. Accordingly, the profile pictures and videos identified by Plaintiff were not
9 removed from the TikTok platform due to alleged copyright violations. However, a
10 number of the videos and profile pictures have nevertheless been removed for other
11 reasons, generally by the users themselves.

12 13. TTI operates the e-commerce platform TikTok Shop. Generally
13 speaking, third-party TikTok Shop sellers can promote and sell products through
14 TikTok Shop. None of the Asserted Works was used in content associated with
15 TikTok Shop in any way, such as being used to promote or sell a product.

16 14. TTI did not generate any revenue or profits from the use of the Asserted
17 Works. TTI did not generate any revenue or profits from the allegedly infringing
18 content identified by Plaintiff.

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1 I certify under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct.

3
4 This declaration was executed on August 22, 2025 in Los Angeles, CA.

5
6 
Jemili Boutros

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2025, a true and correct copy of the foregoing was filed electronically using the Court's CM/ECF system, which shall send notification of such filing to all counsel of record. Any counsel of record who has not consented to electronic service through the Court's CM/ECF system will be served by electronic mail.

/s/ J. Michael Keyes
J. Michael Keyes, SBN 262281